

# United States District Court

## WESTERN DISTRICT OF MICHIGAN

UNITED STATES OF AMERICA

v.

ROBERT JERRY MILES

### ORDER OF DETENTION PENDING REVOCATION HEARING

Case Number: **1:02-CR-55**

In accordance with the Bail Reform Act, 18 U.S.C. §3142(f), a detention hearing has been held. I conclude that the following facts require the detention of the defendant pending revocation hearing in this case.

#### Part I - Findings of Fact

- ☐ (1) The defendant is charged with an offense described in 18 U.S.C. §3142(f)(1) and has been convicted of a (federal offense) (state or local offense that would have been a federal offense if a circumstance giving rise to federal jurisdiction had existed) that is
- ☐ a crime of violence as defined in 18 U.S.C. §3156(a)(4).
- ☐ an offense for which the maximum sentence is life imprisonment or death.
- ☐ an offense for which the maximum term of imprisonment of ten years or more is prescribed in \_\_\_\_\_
- ☐ a felony that was committed after the defendant had been convicted of two or more prior federal offenses described in 18 U.S.C. §3142(f)(1)(A)-(C), or comparable state or local offenses.
- ☐ (2) The offense described in finding (1) was committed while the defendant was on release pending trial for a federal, state or local offense.
- ☐ (3) A period of not more than five years has elapsed since the (date of conviction) (release of the defendant from imprisonment) for the offense described in finding (1).
- ☐ (4) Findings Nos. (1), (2) and (3) establish a rebuttable presumption that no condition or combination of conditions will reasonably assure the safety of (an) other person(s) and the community. I further find that the defendant has not rebutted this presumption.

#### Alternate Findings (A)

- ☐ (1) There is probable cause to believe that the defendant has committed an offense
- ☐ for which a maximum term of imprisonment of ten years or more is prescribed in \_\_\_\_\_
- ☐ under 18 U.S.C. §924(c).
- ☐ (2) The defendant has not rebutted the presumption established by finding 1 that no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community.

#### Alternate Findings (B)

- ☒ (1) There is a serious risk that the defendant will not appear.
- ☒ (2) There is a serious risk that the defendant will endanger the safety of another person or the community.

Testimony showed that when the Lansing Police executed a search warrant at a residence at 1536 Redwood, no one responded to the door. The police finally broke down the door and saw the defendant running to the attic. He refused to come out of the attic but eventually surrendered. A loaded .45 caliber pistol was found in the attic.

Defendant is the sole lessee of the property and no one else was found at the (continued on attachment)

#### Part II - Written Statement of Reasons for Detention

Defendant has failed to show by clear and convincing evidence that he is not a danger to the community, since it is patently evident that he has maintained a drug house in Lansing notwithstanding the fact that he is on supervised release to this Court.

#### Part III - Directions Regarding Detention

The defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the defendant to the United States marshal for the purpose of an appearance in connection with a court proceeding.

Dated: November 21, 2014

/s/ Hugh W. Brenneman, Jr.

*Signature of Judicial Officer*

Hugh W. Brenneman, Jr., United States Magistrate Judge

*Name and Title of Judicial Officer*

United States v. Robert Jerry Miles

Case No. 1:02-cr-55

**ORDER OF DETENTION PENDING REVOCATION HEARING**

Page 2.

**Alternate Findings (B) - (continued)**

residence.

Thirty marijuana plants were found in the basement along with eight cloned plants. There was also a grow operation and scales used in drug trafficking with cocaine residue.

8.2 grams of heroin was found in the house, and there was a substance believed to be heroin residue found on the defendant's wallet, although test results had not come back at the time of the detention hearing.

Defendant does not live at the house and denied it was his house, although his name was found on the lease. Apparently one or more convicted felons were found in cars outside the residence with drugs and \$13,000 in cash. However, there was no specific evidence introduced tying these convicted felons and their drugs to the drug house where defendant was caught.

Defendant has been charged and released by the 54A District Court in Lansing, Michigan, on a substantial bond, which would mitigate against him being considered a flight risk from the area, although he has a miserable record for reporting to the probation office for the Western District of Michigan.

Defendant has jobs with two Holiday Inns, and a place to live in Lansing, other than the drug house.